

HOUSE BILL No. 2032

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-19-7; IC 31-31-5-4; IC 31-34-18; IC 31-40-1-2.

Synopsis: Juvenile detention. Specifies that for purposes of child welfare, the term "child services" includes certain services paid from the county family and children's fund. Specifies that the budget of a county office of family and children must include an estimate of the money needed to defray the expenses of child services. Requires a probation officer to prepare and monitor the performance of a case plan that ensures the compliance with the procedures that are necessary or appropriate to satisfy the requirements for federal financial participation in the payment of the cost of services provided to an eligible child. Provides that the family and children's fund must be used to defray court ordered expenses except for the costs of placement in a juvenile detention facility. Requires the state board of tax commissioners to adjust the maximum permissible levies for a county general fund and a county family and children's fund to reflect the shifting of costs resulting from changes required by this act.

Effective: January 1, 2002.

Kruzan

January 17, 2001, read first time and referred to Committee on Courts and Criminal Code.



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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 2032

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-19-7-1, AS AMENDED BY P.L.139-2000,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2002]: Sec. 1. As used in this chapter, "child services"
4 means the following:

5 (1) Child welfare services specifically provided for children who
6 are:

7 (A) adjudicated to be:

8 (i) children in need of services; or

9 (ii) delinquent children; or

10 (B) recipients of or are eligible for:

11 (i) informal adjustments;

12 (ii) service referral agreements; and

13 (iii) adoption assistance;

14 including the costs of using an institution or facility in Indiana for
15 providing educational services as described in either
16 IC 20-8.1-3-36 (if applicable) or IC 20-8.1-6.1-8 (if applicable),
17 all services required to be paid by a county **from the county**



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family and children's fund under IC 31-40-1-2, and all costs required to be paid by a county under IC 20-8.1-6.1-7.

(2) Assistance awarded by a county to a destitute child under IC 12-17-1.

(3) Child welfare services as described in IC 12-17-3.

SECTION 2. IC 12-19-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 6. (a) The county director, upon the advice of the judges of the courts with juvenile jurisdiction in the county, shall annually compile and adopt a child services budget, which must be in a form prescribed by the state board of accounts. The budget may not exceed the levy limitation set forth in IC 6-1.1-18.6.

(b) The budget must contain an estimate of the amount of money that will be needed by the county office during the fiscal year to defray the expenses and obligations incurred by the county office in the payment of **child services for children adjudicated to be children in need of services or delinquent children and other related services**, but not including the payment of AFDC.

SECTION 3. IC 31-31-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4. A probation officer shall, for the purpose of carrying out the juvenile law:

(1) conduct such investigations and prepare such reports and recommendations as the court directs and keep a written record of those investigations, reports, and recommendations;

(2) receive and examine complaints and allegations concerning matters covered by the juvenile law and make preliminary inquiries and investigations;

(3) implement informal adjustments;

(4) prepare and submit the predisposition report required for a dispositional hearing under the juvenile law;

(5) supervise and assist by all suitable methods a child placed on probation or in the probation officer's care by order of the court or other legal authority;

(6) with the cooperation and assistance of the county office of family and children, and as ordered by the court, prepare and monitor the performance of a case plan that ensures the compliance with the procedures that are necessary or appropriate to satisfy:

(A) the requirements of Title IV-E of the Social Security Act, 42 U.S.C. 670 et seq.; and

(B) the applicable federal regulations;

for federal financial participation in the payment of the cost

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1 **of services provided to an eligible child;**

2 (7) keep complete records of the probation officer's work and
3 comply with any order of the court concerning the collection,
4 protection, and distribution of any money or other property
5 coming into the probation officer's hands; and

6 ~~(7)~~ (8) perform such other functions as are designated by the
7 juvenile law or by the court in accordance with the juvenile law.

8 SECTION 4. IC 31-34-18-1.3 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec 1.3. (a) The
10 individuals participating in a meeting described in section 1.1 of this
11 chapter shall assist the person preparing the report in recommending
12 the care, treatment, rehabilitation, or placement of the child.

13 (b) The individuals shall inform the person preparing the report of
14 resources and programs that are available for the child.

15 **(c) The probation officer or caseworker shall collect, maintain,**
16 **and complete financial eligibility forms designated by the director**
17 **and ordered by the court to assist in obtaining federal**
18 **reimbursement and other reimbursement.**

19 SECTION 5. IC 31-34-18-3 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 3. The probation
21 officer or caseworker shall ~~also collect information and~~ prepare a
22 financial report **in the form prescribed by the division and ordered**
23 **by the court,** on the parent or the estate of the child to assist the
24 juvenile court **and the county office** in:

25 (1) determining the person's financial responsibility; **and**

26 (2) **obtaining federal reimbursement;**

27 for services provided for the child or the person.

28 SECTION 6. IC 31-40-1-2, AS AMENDED BY P.L.273-1999,
29 SECTION 119, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JANUARY 1, 2002]: Sec. 2. (a) The county shall pay
31 from the county family and children's fund the cost of:

32 (1) any services ordered by the juvenile court for any child or the
33 child's parent, guardian, or custodian, ~~other than secure detention;~~
34 **except for the costs of placement in a juvenile detention**
35 **facility; and**

36 (2) returning a child under IC 31-37-23.

37 (b) The county fiscal body shall provide sufficient money to meet
38 the court's requirements.

39 SECTION 7. [EFFECTIVE JANUARY 1, 2002] (a) **Before**
40 **September 1, 2002, the state board of accounts shall verify the**
41 **amount expended by a county from the county's family and**
42 **children's fund in 2001 for the payment of support, maintenance,**

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1 or services for delinquent children that would have been payable
2 from the county's general fund and not the county's family and
3 children's fund under IC 31-40-1-2 if IC 31-40-1-2, as amended by
4 this act, applied to calendar year 2001.

5 (b) Before September 1, 2002, the state board of accounts shall
6 verify the amount expended by a county from the county's general
7 fund in 2001 for the payment of support, maintenance, or services
8 for delinquent children that would have been payable from the
9 county's general fund under IC 31-40-1-2 and not the county's
10 family and children's fund if IC 31-40-1-2, as amended by this act,
11 applied to calendar year 2001.

12 (c) In determining the amount expended by a county under
13 subsection (a) or (b), the state board of accounts shall consult with
14 the director of the county office of family and children, the judge
15 of each court in the county having juvenile jurisdiction, and the
16 county auditor.

17 (d) The state board of tax commissioners shall, for property
18 taxes first due and payable in 2003, increase the maximum
19 permissible property tax levy for a county general fund under
20 IC 6-1.1-18.5 and reduce the maximum permissible property tax
21 levy for a county family and children's fund under IC 6-1.1-18.6 by
22 the amount of expenses verified for that county under subsection
23 (a).

24 (e) The state board of tax commissioners shall, for property
25 taxes first due and payable in 2003, increase the maximum
26 permissible property tax levy for a county family and children's
27 fund under IC 6-1.1-18.6 and reduce the maximum permissible
28 property tax levy for a county general fund under IC 6-1.1-18.5 by
29 the amount of expenses verified for that county under subsection
30 (b).

31 (f) This SECTION expires January 1, 2004.

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